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THE PRUDENTIAL INSURANCE COMPANY
7 OF AMERICA

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 BRIAN WHISNANT,) Case No. CV11-05591 LHK
12 Plaintiff,)
13 vs.) **STIPULATION AS TO**
14 THE PRUDENTIAL INSURANCE) **STANDARD OF REVIEW**
COMPANY OF AMERICA,)
15 Defendant.) Judge: Hon. Lucy H. Koh
16) AND ORDER
17)

18 WHEREAS, this matter involves the denial of a claim for disability benefits
19 under a group disability policy governed by the Employee Retirement Income
20 Security Act of 1974, 29 U.S.C. § 1001, *et seq.* (“ERISA”);

21 WHEREAS, the parties have come to an agreement regarding the applicable
22 standard of review in this particular case;

23 WHEREAS, the parties’ agreement as to the standard of review pertains solely
24 to this particular case and does not give rise to any waiver or prejudice in any future
25 cases brought against defendant THE PRUDENTIAL INSURANCE COMPANY OF
26 AMERICA (“Prudential”);
27
28

1 IT IS HEREBY STIPULATED AND AGREED as follows by and between
2 the parties hereto through their respective attorneys of record:

3 1. The parties agree that this Court shall apply a *de novo* standard of
4 review in this case. This Stipulation regarding the appropriate standard of review is
5 specifically limited to the facts and circumstances of this particular case.

6
7
8 IT IS SO STIPULATED.

9
10 Dated: April 24, 2012

Charles B. Perkins
FLYNN, ROSE & PERKINS

11
12 By: //s/Charles B. Perkins

13 Charles B. Perkins
14 Attorney for Plaintiff
BRIAN WHISNANT

15
16 Dated: April 24, 2012

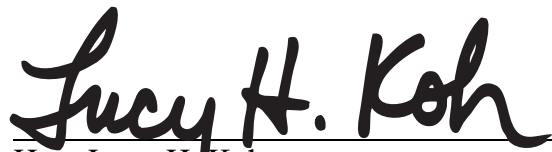
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Jason A. James
MESERVE, MUMPER & HUGHES LLP

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19 By: //s/Jason A. James

20 Jason A. James
21 Attorneys for Defendant
22 THE PRUDENTIAL INSURANCE
23 COMPANY OF AMERICA

24 IT IS SO ORDERED.

25
26 Dated: April 25, 2012



27 Hon. Lucy H. Koh
28 Judge, United States District Court